

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

THE CLAIMS

Claim 1 has been amended to more clearly recite that a light transmittance of light transmitted through the top sheet, the colored area of the back sheet, and the absorbent body is at least 15%, and claim 2 has been amended to more clearly recite that a light transmittance of light transmitted through the top sheet, the non-colored area of the back sheet, and the absorbent body is at least 15%.

In addition, claims 3, 6, 9 and 12 have been canceled, without prejudice, and claims 7, 8, 10 and 11 have been amended to better accord with their respective amended parent claims 1 and 2.

It is respectfully submitted that the amendments to claims 1 and 2 are supported by the disclosure in the specification and drawings. As disclosed in paragraph [0006] at page 3 of the specification as originally filed, in the manufacturing process of the present invention an optical sensor is used to measure a specific area of a sanitary napkin as a final product.

With respect to amended claim 1, it is respectfully pointed out that paragraph [0033] at page 17 of the specification

discloses that "it is preferable that the light transmittance of the napkin 1 using the back sheet 3, which is a printing film, is 15% or more." That is, paragraph [0033] at page 17 of the specification discloses it is preferable that the light transmittance of the absorbent article itself (including all three of the top sheet, the back sheet and the absorbent body) is at least 15%. In this connection, moreover, it is respectfully pointed out that the disclosure in paragraph [0033] at page 17 of the specification relates to the first embodiment of the present invention wherein the entire back sheet 3 is provided with the colored area 8. See Fig. 2 of the present application. Thus, it is respectfully submitted that the specification and drawings clearly support the recitation in amended claim 1 that a light transmittance of light transmitted through the top sheet, the colored area of the back sheet, and the absorbent body is at least 15%.

With respect to amended claim 2, it is respectfully pointed out that paragraph [0036] at page 19 of the specification as originally filed discloses that inspection portions 7a, 7b, 7c and 7d are provided in a non-colored area 9. See Fig. 3 of the present application. Thus, it is respectfully submitted that the specification and drawings clearly support the recitation in amended claim 2 that a light transmittance of light transmitted

through the top sheet, the non-colored area of the back sheet, and the absorbent body is at least 15%.

On page 3 of the Final Office Action, the Examiner points out that the specification discloses at page 14, lines 4-7 and at page 21, lines 18-21 that the back sheet has a light transmittance of 15% or more. This is true. Nevertheless, as pointed out hereinabove, the specification clearly discloses in paragraph [0033] at page 17 that "it is preferable that the light transmittance of the napkin 1 using the back sheet 3, which is a printing film, is 15% or more." See also, paragraph [0032] on pages 16 and 17 of the specification which discloses that, in order to perform the inspection process, an "optical sensor outputs light to the napkin 1, and by the transmittance thereof, or the light transmittance, the napkin 1 is determined to be the acceptable or unacceptable product. Specifically, a napkin with a light transmittance of 15% or more is determined to be an acceptable product, and a napkin with a light transmittance less than 15% is determined to be an unacceptable product" (emphasis added). Thus, although the specification discloses that the back sheet has a light transmittance of 15% or more, the specification also clearly discloses that the light transmittance of the absorbent article itself (including all three of the top sheet, the back sheet and the absorbent body) is at least 15%, as recited in amended claims 1 and 2.

Accordingly, it is respectfully submitted that the features recited in amended claims 1 and 2 whereby "a light transmittance of light transmitted through the top sheet, the colored area of the back sheet, and the absorbent body is at least 15%" (claim 1) and whereby "a light transmittance of light transmitted through the top sheet, the non-colored area of the back sheet, and the absorbent body is at least 15%" (claim 2) are clearly supported by the disclosure in the specification as originally filed.

Thus, it is respectfully submitted that no new matter has been added, and it is respectfully requested that the amendments to the claims be approved and entered.

THE PRIOR ART REJECTION

Claims 1-12 were again rejected under 35 USC 102 as being anticipated by US 2001/0044611 ("Noda et al"). This rejection, however, is respectfully traversed with respect to the claims as amended hereinabove.

According to the present invention as recited in clarified amended claim 1, a light transmittance of light transmitted through the top sheet, the colored area of the back sheet, and the absorbent body is at least 15%, and according to the present invention as recited in clarified amended claim 2 a light transmittance of light transmitted through the top sheet, the non-colored area of the back sheet, and the absorbent body is at

least 15%. Thus, according to the present invention as recited in clarified amended independent claims 1 and 2, the light transmittance of the absorbent article itself (i.e., the "final product" or "napkin 1" which includes the top sheet, the back sheet, and the absorbent body) is at least 15%. As a result, an inspection to discriminate between acceptable and unacceptable final products can be performed appropriately.

It is respectfully submitted that Noda et al does not disclose or suggest the above described structure recited in amended independent claims 1 and 2.

Noda et al discloses a disposable diaper 1 having a topsheet 2 and a liquid-impermeable backsheet 3. According to Noda et al, the backsheet 3 includes a breathable film 3a, a first nonwoven material 3b, and a second nonwoven material 3c. The nonwoven materials 3b and 3c are stacked on the permeable film 3a. See paragraph [0018] and Fig. 2(b) of Noda et al. As pointed out in the Amendment filed March 30, 2009, Noda et al discloses that a pattern 10 is printed on the breathable film 3a. The pattern is viewable through the nonwoven materials 3b and 3c. See paragraphs [0025]-[0027] and Fig. 1 of Noda et al. In order to make the pattern 10 clearly viewable even through the nonwoven materials 3b and 3c, the light transmittance of the nonwoven materials 3b and 3c must be sufficiently high. In particular, Noda et al discloses that the total luminous transmittance of the

two nonwoven materials 3b and 3c should be 40 to 83%. See paragraph [0031] of Noda et al.

Thus, it is again respectfully submitted that Noda et al merely discloses light transmittance values for the two non-woven layers 3b and 3c which cover the printing surface of a breathable film 3a in the backsheet 3. And it is again respectfully pointed out that the light transmittance of the sheets 3b and 3c according to Noda et al is merely to "secure clearness of the pattern 10 [printed on the breathable film 3a] even when seen through the nonwoven materials 3b and 3c" (paragraph [0031]), not to enable inspection of a finished absorbent article (including a back sheet, a top sheet, and an absorbent body) as according to the claimed present invention.

Noda et al simply does not at all disclose or suggest ensuring that a light transmittance of the disposable diaper 1 itself, which comprises the topsheet 2, the absorbent member 4 and the backsheet 3 (including the breathable film 3a and the two nonwoven materials 3b and 3c), is at least 15%.

Accordingly, it is respectfully submitted that Noda et al does not disclose or suggest the feature of present invention as recited in clarified amended independent claim 1 whereby a light transmittance of light transmitted through the top sheet, the colored area of the back sheet, and the absorbent body is at least 15%, and Noda does not disclose or suggest the feature of

the present invention as recited in clarified amended independent claim 2 whereby a light transmittance of light transmitted through the top sheet, the non-colored area of the back sheet, and the absorbent body is at least 15%.

In view of the foregoing, it is respectfully submitted that amended independent claims 1 and 2, and claims 4, 5, 7, 8, 10 and 11 respectively depending therefrom, all clearly patentably distinguish over Noda et al, under 35 USC 102 as well as under 35 USC 103.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,

/Douglas Holtz/

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